

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ozgur C. Leonard, et al.

Serial No.: 10/771,827

Filed on: February 3, 2004

For: MULT-LEVEL COMPUTING RESOURCE  
SCHEDULING CONTROL FOR OPERATING  
SYSTEM PARTITIONS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Confirmation No.: 3978

Examiner: NYA

Group Art Unit No.: 2127

DISCLOSURE PURSUANT TO 37 CFR §1.56  
OF RELATED APPLICATION(S)

Sir:

Applicant(s) would like to bring to the Examiner's attention that the following  
application,


Applicant(s) would like to bring to the Examiner's attention that the following  
applications,

U.S. Patent Application Serial No. 10/833,474 filed April 27, 2004,

U.S. Patent Application Serial No. 10/771,827 filed February 3, 2004.

Referred to as the "related applications", contain subject matter that is related to the subject matter of the present application. The related applications may contain one or more claims that are substantially similar to one or more claims in the present application, and those claims may have been rejected in the related applications. Therefore, the Examiner is encouraged to review the file histories of the related applications as some of the information contained therein may be material to the examination of the present application.

<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> (PTO-1449)				<b>ATTY. DOCKET NO.</b> 15437-0600		<b>SERIAL NO.</b> 10/771,827	
				<b>APPLICANT:</b> Ozgur C. Leonard, et al.			
				<b>FILING DATE:</b> February 3, 2004		<b>GROUP:</b> 2127	



U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			

FOREIGN PATENT DOCUMENTS								
Exam. Initial*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				

OTHER ART – NO PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation <sup>2</sup>
/C.A./		Official Action from EPO for foreign patent application no. 04 252 690.5 - 2211 dated 23 November 2005 (5 pgs) – attached.	
		<del>Current Claims in EPO patent application no. 04 252 690.5 - 2211 (7 pgs) – attached.</del>	<del> </del>

<b>Examiner Signature</b>	/Caroline Arcos/	<b>Date Considered</b>	02/13/2008
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/C.A./		Overview of Bandwidth Broker System [online], [retrieved on January 31, 2005]. Retrieved from the internet: <URL: <a href="http://www.ittc.ku.edu/~kdrao/845/into.html">http://www.ittc.ku.edu/~kdrao/845/into.html</a> >, (19 pgs).	
/C.A./		QBone Signaling Design Team Final Report [online], [retrieved on January 31, 2005]. Retrieved from the internet: <URL: <a href="http://qos.internet2.edu/wg/documents-informational/20020709-chimento-et-al-qbone-signaling.">http://qos.internet2.edu/wg/documents-informational/20020709-chimento-et-al-qbone-signaling.</a> >, (33 pgs).	

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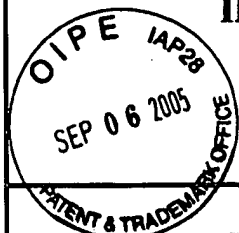
<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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**ALL REFERENCES CONSIDERED EXCEPT CROSSED OUT REFERENCES /C.A./**

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/C.A./		Official Action from EPO for foreign patent application no. 04 252 690.5 - 2211 dated 10 June 2005 (6 pgs) - attached.	
		<del>Current Claims in EPO patent application no. 04 252 690.5 - 2211 (2 pgs) attached.</del>	

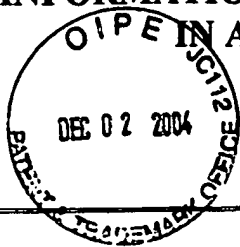
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/C.A./		5,325,526		Cameron, et al.	6/28/1994	
/C.A./		5,845,116		Saito, et al.	12/1/1998	
/C.A./		5,437,032		Wolf, et al.	6/25/1995	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				
/C.A./		EP	1228038	A2	Tanaka, Katsuyoshi	2/5/2003		
/C.A./		EP	1043658	A1	Rogier, Pierre	10/11/2000		

## OTHER ART - NO PATENT LITERATURE DOCUMENTS

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/C.A./		European Search Report from the European Patent Office for Foreign Patent Application No. 04252690.5 (3 pgs.)	
/C.A./		Claims As Filed in European Patent Application No. 04252690.5 (6 pgs.)	

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## A circular black ink stamp from the Office of Intellectual Property (OIPE). The text "OIPE" is at the top, "IN A" is at the top right, and "OFFICE" is at the bottom right. The date "MAY 21 2004" is stamped in the center. The words "PATENT &amp; TRADEMARK" are curved along the bottom left edge.

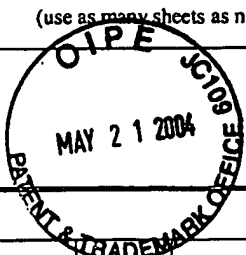
SERIAL NO.  
10/771,827

**FILING DATE:**  
**2/3/2004**

GROUP:  
NYA

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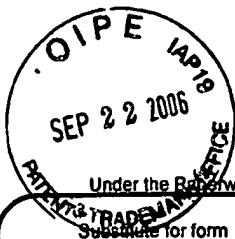
Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 15437-0600	Application Number: 10/771,827
		First Named Inventor: Ozgur C. Leonard, et al.	
		Filing Date: 2/3/2004	
<b>OTHER ART - NO PATENT LITERATURE DOCUMENTS</b>			
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/C.A./		Communications from the ACM (ISSN: 0001-0782) Volume 44, Issue 2 (2001) entitled "An Operating System Approach to Securing E-Services" by Chris Dalton and Tse Huong Choo, ACM Copyright Notice, © 2001, (8 pgs).	
/C.A./		Sun Microsystems, Inc. entitled "Server Virtualization with Trusted Solaris™ 8 Operating Environment, by Glenn Faden, Sun BluePrints™ OnLine - February 2002, <a href="http://www.sun.com/blueprints">http://www.sun.com/blueprints</a> , (21 pgs).	
/C.A./		Network Working Group entitled "IP Version 6 Addressing Architecture", by R. Hinden, Nokia, S. Deering, Cisco System, dtd July 1998, (28 pgs).	
/C.A./		IBM entitled "Partitioning for the IBM eserver pSeries 690 System, © Copyright IBM Corp. 2001 (12 pgs).	
/C.A./		IBM System Partitioning on IBM eserver xSeries Servers entitled "Effective Server Consolidation and Resource Management with System Partitioning" by Mark T. Chapman, IBM Server Group, dtd December 2001, (23 pgs).	
/C.A./		Virtual Private Servers and Security Contexts, dtd 5/10/2004, <a href="http://www.solucorp.qc.ca/miscprj/s_content.hc?prjstate=1&amp;nodoc=0">http://www.solucorp.qc.ca/miscprj/s_content.hc?prjstate=1&amp;nodoc=0</a> , (2 pgs).	
/C.A./		SunSoft, a Sun Microsystems, Inc. Business entitled "File System Administration", © 1994 Sun Microsystems, Inc., (62 pgs).	
/C.A./		Jails: Confining the omnipotent root., by Poul-Henning Kamp and Robert N.M. Watson, entitled "The FreeBSD Project", <a href="http://www.servetheweb.com/">http://www.servetheweb.com/</a> , (15 pgs).	

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PTO/SB/08a (07-05)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number 10/771,827  
Filing Date February 3, 2004  
First Named Inventor Ozgur C. Leonard  
Art Unit 2195  
Examiner Name An, Meng Ai T.  
Attorney Docket Number 15437-0600

Sheet 1

of 1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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/C.A./		US-2002/0120660 A1	08-29-2002	Hay et al.	
		US-			
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/C.A./		QBone Signaling Design Team Final Report [online], [retrieved on January 31, 2005]. Retrieved from the internet: <URL: <a href="http://qos.internet2.edu/wg/documents-informational/20020709-chimento-et-al-qbone-signaling.&gt;">http://qos.internet2.edu/wg/documents-informational/20020709-chimento-et-al-qbone-signaling.&gt;</a> , (33 pgs).	

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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>(PTO-1449)</b>				<b>ATTY. DOCKET NO.</b> 15437-0600		<b>SERIAL NO.</b> 10/771,827	
				<b>APPLICANT:</b> Ozgur C. Leonard et al.			
				<b>FILING DATE:</b> February 3, 2004		<b>GROUP:</b> 2127	
<b>U.S. PATENT DOCUMENTS</b>							
Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number	Kind Code <sup>2</sup> (If known)				
		2002/0156824	A1	Armstrong et al.	10-24-2002		

<b>FOREIGN PATENT DOCUMENTS</b>								
Exam. Initial*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				
/C.A./		EP	1300766	A	Sun Microsystems Inc.	04-09-2003		

<b>OTHER ART – NO PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation <sup>2</sup>
/C.A./		EUROPEAN PATENT OFFICE, "European Search Report," application No. 04252689.7, mailing date July 28, 2005, 3 pages.	
/C.A./		Current Claims, European patent application 04252689.7, 6 pages.	
/C.A./		SUN MICROSYSTEMS, "Sun Enterprise™ 1000 Server: Dynamic System Domains," White Paper Online, February 26, 2003, retrieved from the internet at < <a href="http://www.sun.com/servers/highend/whitepapers/domains.html?facet=-1">http://www.sun.com/servers/highend/whitepapers/domains.html?facet=-1</a> >, retrieved on 06/21/2005, XP-002332946, 7 pages.	

Examiner Signature	/Caroline Arcos/	Date Considered	02/13/2008
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ozgur C. Leonard, et al.

Serial No.: 10/771,827

Filed on: February 3, 2004

Confirmation No.: 3978

Examiner: NYA

Group Art Unit No.: 2127

For: MULTI-LEVEL COMPUTING RESOURCE SCHEDULING CONTROL FOR  
OPERATING SYSTEM PARTITIONSMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450DISCLOSURE PURSUANT TO 37 CFR §1.56  
OF RELATED APPLICATION(S)

Sir:

Applicant(s) would like to bring to the Examiner's attention that the following  
applications,

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.
10/767,118	1/28/2004	15437-0583
10/767,117	1/28/2004	15437-0584
10/766,094	1/27/2004	15437-0586
10/744,360	12/22/2003	15437-0588
10/763,147	1/21/2004	15437-0589
10/769,415	1/30/2004	15437-0591
10/761,622	1/20/2004	15437-0592
10/767,003	1/28/2004	15437-0593
10/762,067	1/20/2004	15437-0597
10/762,066	1/20/2004	15437-0598
10/767,235	1/28/2004	15437-0599
10/771,698	2/3/2004	15437-0601
10/768,303	1/29/2004	15437-0602

Referred to as the "related applications", contain subject matter that is related to the subject  
matter of the present application. The related applications may contain one or more claims that

CA



The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.



The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

**DISCLOSURE OF OFFICE ACTIONS**

U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
10/762,066	01/20/2004	07/10/2006	15437-0598

The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

The Examiner's attention is directed to the following related application(s) for the following reasons (as indicated by an "X" to the left of the appropriate paragraph):

X

The Examiner is hereby notified that the following related application has been filed:

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.
10/990,741	11/16/2004	15437-0686

This related application contains one or more claims that may be substantially similar to one or more claims in the present application. Therefore, the Examiner is encouraged to reference the file history of the related application as some of the information contained therein may be material to the examination of the present application.

\_\_\_\_\_ The Examiner is hereby notified that the present application is related to the following application(s):

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.



The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.



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U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
10/767,003	01/28/2004	05/31/2007	15437-0593

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/771,827
Filing Date	February 3, 2004
First Named Inventor	Ozgur Leonard
Art Unit	2195
Examiner Name	An, Meng Ai T
Attorney Docket Number	15437-0600

Sheet 2

of 2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
/C.A./		HEWLETT-PACKARD, "Installing and Managing HP-UX Virtual Partitions (vPars)", Third Edition, Part Number T1335-90018, Copyright Hewlett-Packard Company, November 2002, pages 1-4, 17-44, 72-75, and 157-161.	
/C.A./		HOPE, PACO, "Using Jails in FreeBSD for Fun and Profit", ;Login: The Magazine of Usenix and Sage, Volume 27, Number 3, June 2002, 9 pages.	
/C.A./		KAMP, POUL-HENNING, "Rethinking / dev and devices in the UNIX kernel", BSDCon 2002 Paper, retrieved from website < <a href="http://www.usenix.org/events/bsdcon02/full_papers/kamp/kamp_html/index.html">http://www.usenix.org/events/bsdcon02/full_papers/kamp/kamp_html/index.html</a> > Printed May 1, 2007, 18 pages.	
/C.A./		THOMPSON, K., "UNIX Implementation", Bell Laboratories, The Bell System Technical Journal, 1978, pages 1-9.	

Examiner  
Signature

/Caroline Arcos/

Date  
Considered

02/14/2008

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Customer Ref. No. SUN040016-US-NP



The Examiner is hereby notified that the present application is related to the following related application(s):

**DISCLOSURE OF RELATED APPLICATIONS**

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

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U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
<del>10/744,360</del>	<del>12/22/2003</del>	<del>04/18/2007</del>	<del>15437-0588</del>

The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/771,827
		Filing Date	February 3, 2004
		First Named Inventor	Ozgur Leonard
		Art Unit	2195
		Examiner Name	An, Meng Ai T
		Attorney Docket Number	15437-0600
Sheet	1	of	1

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner Signature	/Caroline Arcos/	Date Considered	02/14/2008
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Application Number	10/771,827
Filing Date	February 3, 2004
First Named Inventor	Ozgur Leonard
Art Unit	2109
Examiner Name	Huq, Ahmed E
Attorney Docket Number	15437-0600

Sheet	1	of	2
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## U.S. PATENT DOCUMENTS

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> )				
/C.A/		EP 389151 A2	09-26-1990	IBM		

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Signature

/Caroline Arcos/

Date  
Considered

02/14/2008

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/771,827
Filing Date	February 3, 2004
First Named Inventor	Ozgur Leonard
Art Unit	2109
Examiner Name	Huq, Ahmed E
Attorney Docket Number	15437-0600

Sheet 2

of 2

**NON PATENT LITERATURE DOCUMENTS**

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/C.A./		CZAJKOWSKI, G., "Application isolation in the Java Virtual Machine", 2000, ACM Press, Proceedings of the 15 <sup>th</sup> ACM SIGPLAN Conference on Object-Oriented Programming, Systems, Languages, and Applications, pp. 354-366.	
/C.A./		CZAJKOWSKI, G., "Multitasking without compromise: a virtual machine evolution", ACM Press, Proceedings of the 16 <sup>th</sup> ACM SIGPLAN Conference on Object Oriented Programming, Systems, Languages, and Applications, dated October 2001, pp. 125-138.	
/C.A./		OSMAN, S., ET AL., "The design and implementation of Zap: a system for migrating computing environments", SIGOPS Operating System, Rev. 36, SI, dated December 2000, pp: 361-376.	
/C.A./		PRESOTTO ET AL., "Interprocess Communication in the Ninth Edition Unix System", John Wiley & Sons, Ltd., dated March 1990, 4 pages.	
/C.A./		STEVENS, "Advanced programming in the Unix Environment", Addison-Wesley, 1993, pages 427-436.	
/C.A./		WATSON, "TrustedBSD – Adding Trusted Operating System Features to FreeBSD", The USENIX Association, 2001, 14 pages.	
/C.A./		NOORDENDE ET AL., "Secure and Portable Confinement of Untrusted Programs", ACM, 2002, 14 pages.	
/C.A./		HOPE, "Using Jails in FreeBSD for fun and profit", ;Login: The Magazine of USENIX & SAGE, volume 27, number 3, dated June 2002, pages 48-55.	

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